

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
OSIEL GUZMAN-SILVERIO)
Defendant.)

CASE NO.CR05-281-JLR

DETENTION ORDER

Offense charged:

CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE , COCAINE, AND
HEROIN - Title 21, U.S.C., Sections 841(a)(1),841(b)(1)(A), and 846

Date of Detention Hearing: August 3, 2005.

The court, having conducted an uncontested detention hearing pursuant to 18
U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention
hereafter set forth, finds that no condition or combination of conditions which the Defendant
can meet will reasonably assure the appearance of the Defendant as required and the safety
of any other person and the community. The Defendant was represented by Howard Ratner.
The Government was represented by Kelly Neumeister.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) There is probable cause to believe the Defendant committed the offense in this case. The maximum penalty for this offense is in excess of ten years. Therefore, there is a rebuttable presumption against the Defendant's release based upon both dangerousness and flight risk, under 18 U.S.C. § 3142(e).
- (2) The Defendant is viewed as a risk of nonappearance due to the following factors: he is a native and citizen of Mexico who has previously been removed from the U.S.; his ties to the district are unknown; he has a history of failing to appear at court hearings and an outstanding misdemeanor warrant.
- (3) Furthermore, the Defendant is viewed as a danger to the community due to the nature of the instant offense.
- (4) The Defendant did not contest detention.
- (5) Based upon the foregoing information, it appears that there is no condition or combination of conditions that would reasonably assure future Court appearances and/or the safety of other persons or the community.

It is therefore ORDERED:

- (1) The Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for

1 the Government, the person in charge of the corrections facility in which
2 the Defendant is confined shall deliver the Defendant to a United States
3 Marshal for the purpose of an appearance in connection with a court
4 proceeding; and

- 5 (4) The clerk shall direct copies of this order to counsel for the United
6 States, to counsel for the Defendant, to the United States Marshal, and to
7 the United States Pretrial Services Officer.

8 DATED this 4th day of August, 2005.

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10 s/ Monica J. Benton

11 MONICA J. BENTON
12 United States Magistrate Judge
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